

Application No. : 09/981,541  
Applicant : HAYASHI, Kaneyoshi  
5 Filed : October 15, 2001  
Art Unit : 1711  
Examiner : RAJGURU, Umakant K.

Confirmation No. 6752

Docket No. : SHO 1005-01US  
10 Customer No. : 28327  
Date: : September 30, 2004

Mail Stop: 16  
15 Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

20 REQUEST FOR REFUND AND  
ESTABLISHMENT OF SMALL ENTITY STATUS

Dear Sir:

1. REFUND REQUEST

25 This is a request for a refund in the amount of \$420 for the above-identified  
application ("the '541 application").

2. FEES CHARGED FOR WHICH REFUND IS REQUESTED

30 On July 14, 2004, attorney deposit account 501809 was charged \$420 for a  
large-entity, two-month extension of time in the '541 application. This extension was  
required for the filing of a Supplemental After Final Response, dated July 2, 2004, and  
was authorized by the Supplemental After Final Response. Appended to this Request  
For Refund is a copy of the monthly deposit account statement listing the \$420 charge.

35 On August 11, 2004, a Petition for Extension of Time asserting small entity  
status and a check in the amount of \$475 were submitted for a small-entity, three-

month extension of time in the '541 application. The Petition for Extension of Time was submitted for the filing of a Continuation Application. Only an additional extension from two to three months was required. Nevertheless, the request and check were mistakenly made presuming a full three month extension was required.

5 Appended to this Request For Refund is a copy of the Petition for Extension of Time, and a copy of the check in the amount of \$475.

10 The applicant was a small entity on July 2, 2004, and has continued to be one throughout the relevant time period. As a result of these two payments, the applicant has paid \$895 for a three month extension, despite the applicant being a small entity.

15 Because the applicant was a small entity on July 2, 2004, the applicant requests that \$210 (half the fee) of the \$420 fee be refunded. Additionally, because the applicant had already paid for a two month extension on August 11, 2004, the applicant requests that \$210 (the fee for the first two month extension) of the \$475 be refunded. As of a result of these two refunds, which total \$420, applicant will still have paid a total of \$475 for a three-month extension, which is correct for a small entity.

20 3. TIMING OF REQUEST

25 Under C.F.R. 1.28(a), Applicants may request refunds based upon later establishment of small entity status if both the refund request, and the establishment of small entity status, are filed within three months of the date of the timely payment of the full fee. The initial payment of \$420 was made on July 14, 2004, based on a submission mailed July 2, 2004. The present Request for Refund asserts small entity status throughout the time in question, and is made within three months of the earliest date in question.

4. REMARKS

Because the applicant filed a proper claim of small entity status within the three month date of timely payment of the full fee (payment made by deduction from the PTO deposit account on July 14, 2004), the applicant is entitled to a refund of the \$210 difference between the small and large entity fees.

Because the applicant paid twice for the first two months of the three month extension, (i.e., first on July 14, 2004, and then on August 11, 2004) the applicant is entitled to a refund of another \$210, the amount paid twice.

Therefore, the applicant requests a total refund in the amount of \$420, the sum of the two refunds to which the applicant is entitled.

5. MANNER OF REFUND

The applicant respectfully requests a refund of \$420.00 be credited to Deposit Account No. 501809, the deposit account associated with this matter.

6. REQUEST FOR TELEPHONIC INTERVIEW

If this petition appears in any way deficient, or if it does not appear that the applicant is entitled to the full refund requested, the applicant requests a telephonic interview with the person deciding this petition.

**BEST AVAILABLE COPY**

Appl. No. 09/981,541  
Request for Refund, dated September 30, 2004

Thank you for your assistance. Please feel free to call me if you have any questions regarding this request.

Respectfully submitted,

By: 

John A. Griecci  
Registration No. 39,694

The Law Office of John A. Griecci  
703 Pier Ave., #B657  
Hermosa Beach, CA 90254  
(310) 376-6527

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# MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

LAW OFFICE OF JOHN A GRIECCI  
ACCOUNTING  
703 PIER AVENUE  
SUITE B #657  
HERMOSA BEACH CA 90254

FINA

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

Account No.	501809
Date	7-30-04
Page	1

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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7	8	04	2	10049105		8021	40.00	2172.00
7	8	04	4	10142439	SH01010-01US	1251	110.00	2062.00
7	9	04	2	10142439	SH01010-01US	1202	18.00	2044.00
7	14	04	3	09981541	SH01005-01US	1252	420.00	1624.00

(B)

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AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT

OPENING BALANCE

TOTAL CHARGES

TOTAL CREDITS

CLOSING BALANCE

500.00

500.00

0.00

1624.00



Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/22 (08-03)  
Approved for use through 7/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	SHO 1005-01US
In re Application of		HAYASHI	
Application Number	09/981,541	Filed	October 15, 2001
For		RUBBER COMPOSITION	
Art Unit	1711	Examiner	RAJGURU, Umakant K.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entire fee are as follows (check time period desired):

- |  |             |
|--|-------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))               | \$ 110.00   |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))              | \$ 420.00   |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$ 950.00   |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))             | \$ 1,480.00 |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))             | \$ 2,010.00 |

COPY

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1809

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 39,694

☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) 39,694

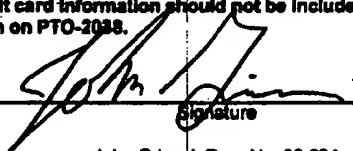
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 11, 2004

Date

(310) 376-8527

Telephone Number



John Grieco, Reg. No. 39,694

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/13/2004 HDENESS1 00000032 09981541

01 FC:2253

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JOHN A. GRIFFIN  
2201 E. UNION ST., SUITE D, PMS 344  
DENVER, CO 80202

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8/11/2004

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\$\*\*475.00

Four Hundred Seventy-Five and 00/100\*\*\*\*\* DOLLARS

FOR

SHO1005-01US Extension Fee

#003261#

#122000247# 2012348975#

*John Griffin*

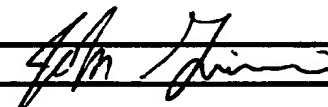
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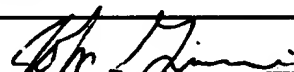
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/981,541	
	Filing Date	October 15, 2001	
	First Named Inventor	HAYASHI	
	Art Unit	1711	
	Examiner Name	RAJGURU, Umakant K.	
Total Number of Pages in This Submission	8	Attorney Docket Number	SHO 1005-01US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copies of papers supporting the request for refund.
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John Grieccl, Reg. No. 39,694
Signature	
Date	September 30, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	John Grieccl		
Signature		Date	September 30, 2004

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Confirmation No. 6752.

5      Application No. : 09/981,541  
      Applicant : HAYASHI, Kameyoshi  
      Filed : October 15, 2001  
      Art Unit : 1711  
      Examiner : RAJGURU, Umakant K.

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10     Docket No. : SHO 1005-01US  
      Customer No. : 28327  
      Date: : July 2, 2004

15     Mail Stop AP  
      Honorable Commissioner for Patents  
      P.O. Box 1450  
      Alexandria, VA 22313-1450

**SUPPLEMENTAL AFTER FINAL RESPONSE**

20

Sir:

      In addition to the After Final response filed May 11, 2004 to the Office Action  
      of February 11, 2004 ("the Office Action"), please enter and consider the following  
25     supplemental remarks in the above-identified application as follows:

**Remarks begin on page 2 of this paper.**

Adjustment date: 11/03/2004 SDIRETA1  
07/14/2004 ASELLMAN 00000003 501809 09981541  
01 FC:1252 420.00 CR

07/14/2004 ASELLMAN 00000003 501809 09981541  
01 FC:1252 420.00 DA

SHO 1005-01US 040702 DRsp.wpd  
04-07-02

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